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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 10/677,638  | 10/02/2003  | Michael Gorski       | 01ENG96638                  | 4172             |
| 22492   | 7590        | 03/09/2005           |                             |                  |
| DAVID L. DAVIS, ESQ.<br>90 WASHINGTON VALLEY ROAD<br>BEDMINSTER, NJ 07921 |             |                      | EXAMINER<br>CRANE, DANIEL C |                  |
|   |             |                      | ART UNIT                    | PAPER NUMBER     |
|   |             |                      | 3725                        |                  |
| DATE MAILED: 03/09/2005   |             |                      |                             |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/677,638             | GORSKI ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Daniel C Crane         | 3725                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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## **BASIS FOR REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

## **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (5,491,998) in view of Gudmestad (2,826,235) and Knudson (4,899,566). Hansen illustrates a process for rolling sheet material into the shape of a gutter 20 with a rain guard 22. A series of rolls are inherently provided that are serially arranged to successively shape the sheet material into the illustrated rain guard gutter. However, Hansen does not completely illustrate the features of the rolling mechanism, particularly the rolls for forming the edge of the gutter front wall and the corner of the gutter between the front wall and the bottom wall. It is well known in the art to provide rollers mounted on a bracket within a successive roll forming machine so as to independently adjust and position the rollers relative to the main rolls that provide the major shape to the workpiece. This is shown by Gudmestad in Figures 15 and 20 where rolls 143, 144 or rolls 99, 100 ("kick rolls") can be positioned on a bracket between the major rolls so as to facilitate adjustment of the rolls on the bracket without effecting the position of the major rolls. In light of this concept, it is the examiner's position that it would have been obvious to the skilled artisan at the time of the invention to have modified Hansen's rolling machine by further providing bracketed rolls ("kick rolls") as taught by Gudmestad so as to facilitate independent adjustment of the rolls without effecting the operation of the major rolls. As to the operation of

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providing a “block” for engagement with the walls of the gutter so as to facilitate a right-angled formation in the gutter, this feature is shown by Knudson. For example, Knudson shows horizontal rolls (unlabelled in Figures 12 and 13) in conjunction with shaping rail 197 positioned to tightly engage the gutter to effectively form the gutter with right-angled bends. The rolls are mounted on “blocks” 56 of the machine and permit adjustment of the rolls. Accordingly, it would have been obvious to the skilled artisan to mount Hansen’s rolls on blocks so as to facilitate the adjustment of the shaping rolls for effectively producing a right angle bend in the sheet material as taught by Knudson. The angle of the rolls is dictated by the particular shape of the gutter. Clearly, the position of the kick rolls would be adjusted accordingly.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the

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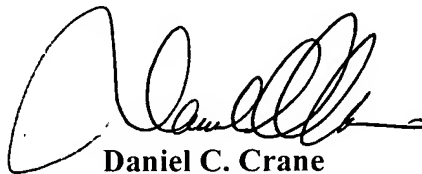
references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

## INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted directly to Group 3700 by facsimile transmission at all times. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Group 3725 Facsimile Center number is **(703) 872-9306**.

DCCrane  
March 4, 2005

A handwritten signature in black ink, appearing to read 'Daniel C. Crane', with a large, stylized initial 'D'.

**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725